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Hon. Phillip Brandt
Chapter 7
Hearing Date: June 25, 2009
Hearing Time: 10:30 AM
Hearing Site: 700 Stewart
Street #8106

10 **UNITED STATES BANKRUPTCY COURT**
11 **WESTERN DISTRICT OF WASHINGTON AT SEATTLE**
12

13 In re:
14 JOLAN, INC.,
15 Debtor.
16
17
18
19

Chapter 7
Case No. 09-10411
ADVERSARY CASE NO 09-01190

16 **ORDER DISMISSING**
17 **EVERGREENBANK FROM**
18 **ADVERSARY PROCEEDING**
19

20 THIS MATTER came before the Court, on Thursday, June 25, 2009 at 10:30 AM, in
21 part to consider the dismissal with prejudice of the Creditor, EvergreenBank from the
22 Adversary Proceedings (Adversary Case No. 09-01190) filed by Jacob G. Buttnick.

23 Plaintiff's counsel declared in open court on Thursday, June 25, 2009 his client would
24 not proceed against EvergreenBank as to his First Cause of Action that EvergreenBank did
25

ORDER DISMISSING EVERGREEN BANK

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1 not have a secured interest in fixtures and requesting that Evergreen Bank be dismissed
2 from the adversary proceedings.

3 Counsel for EvergreenBank requested that the dismissal of her client be extended to
4 include the Third Cause of Action (in that Plaintiff seeks to carve out a 506 (c) claim without
5 necessary standing to seek such a claim). To support her position, she referred to the
6 specific language in the original pleadings which called for Plaintiff to have a 506 (c) claim
7 and cited numerous subsequent pleadings wherein Plaintiff attempted to substantiate his
8 right to a 506 (c) claim. After considering the arguments, and the Court deeming itself fully
9 informed in the matter, now, therefore it is hereby ORDERED as follows:

10 1. The claims by Jacob Buttnick against EvergreenBank, made under Adversary
11 No. 09-01190 are hereby dismissed in their entirety and with prejudice;

12 2. All claims against other named parties therein remain in the Adversarial
13 proceeding.

14
15 DATED this _____ day of _____, 2009.

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17
18 JUDGE PHILIP BRANDT
19 U.S. Bankruptcy Court Judge

20 Presented by:
21 RICCI GRUBE BRENNEMAN, PLLC

22 
23 Debra Ricci, WSBA#22247
24 Attorney for EvergreenBank
25


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1 Approved as to form: Notice
2 of presentation waived

3 Shafer & Bailey, LLP

4 
Donald Bailey, WSBA #12289

5 Attorney for Lance Miyatovich

6 Barry O' Young

Phone authority to sign on his behalf 7/09/09

7 Approved as to form; Notice of
8 Presentation waived.


9 Shulkin Hutton, Inc.

10 Jerome Shulkin, WSBA # 2198

11 Attorney for Jacob Buttnick

Accompany page with signature

12 Woods & Jones P/S.

13 
Denise Moewes, WSBA # 19464

14 Attorney for Trustee

Phone authority to sign on her behalf 7/01/09

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12 Jerome Shulkin, WSBA # 2198
13 Attorney for Jacob Buttnick

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16 Denice Moewes, WSBA # 19464
17 Attorney for Trustee

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